

Condensed Transcript

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MELVIN KENDZIORSKI,

vs.

Plaintiff,

Civil Action File No. 2005-064008-NO

INDIANA PACERS, an assumed
name for PACERS BASKETBALL
CORPORATION, an Indiana
corporation; JERMAINE
O'NEAL, an Indiana
resident; JAMAAL TINSLEY,
an Indiana resident; and
JOHN GREEN, a Michigan
resident, jointly and severally,

Defendants.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES HADDAD,

vs.

Plaintiff,

Civil Action File No. 04-CV74932
Hon. Anna Diggs Taylor
Mag. Judge Donald A. Scheer

INDIANA PACERS, an assumed
name, a/k/a PACERS
BASKETBALL CORPORATION, an
Indiana corporation,
JERMAINE O'NEAL and
ANTHONY JOHNSON, Jointly
and Severally,

Defendants.



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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

JOHN F. ACKERMAN, JR.,

Plaintiff,

vs.

Case No. 04-062545 NO
Hon. D Langford-Morris

INDIANA PACERS, an assumed
name for PACERS BASKETBALL
CORPORATION, an Indiana
Corporation, RON ARTEST,
STEPHEN JACKSON, JERMAINE
O'NEAL, DAVID HARRISON and
THE PALACE OF AUBURN
HILLS, an assumed name for
PALACE SPORTS &
ENTERTAINMENT, INC.,
Jointly and Severally,

Defendants.

VIDEOTAPED DEPOSITION OF
RONALD W. ARTEST, JR.

January 25, 2006
9:00 a.m.

125 South Pennsylvania Street
Indianapolis, Indiana

Blanche J. Harris, CCR No. B-2290



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<p>161</p> <p>1 really just looking around to see who was 2 coming towards me.</p> <p>3 Q. Were you aware that fans were 4 coming onto the floor?</p> <p>5 A. At first, I wasn't. When I looked 6 at the videotape, I was walking. And as I 7 was walking, looking in another direction, 8 somebody was walking towards me.</p> <p>9 But when I was there, you know, 10 when I turned around, I seen this guy just 11 walking towards me.</p> <p>12 Q. Did you notice fans, other than 13 this fan, walking towards you?</p> <p>14 A. I seen -- no, just him.</p> <p>15 Q. And can you describe him to us?</p> <p>16 A. At the time, I just seen he was 17 big.</p> <p>18 Q. Did he wear anything? Did he have 19 a hat on?</p> <p>20 A. I can't remember if he had 21 anything on.</p> <p>22 Q. You're 6-6, did you say?</p> <p>23 A. Yeah.</p> <p>24 Q. And how big was he in relationship 25 to you?</p>	<p>163</p> <p>1 name?</p> <p>2 A. Who's the guy? He's big too?</p> <p>3 MR. RUBIN: Forget about the name.</p> <p>4 The guy just coming after you. Whoever it 5 is.</p> <p>6 THE WITNESS: I seen somebody 7 coming at me.</p> <p>8 Q. (By Mr. Charfoos) You don't know 9 his name?</p> <p>10 A. No.</p> <p>11 Q. You didn't talk to him?</p> <p>12 A. No.</p> <p>13 Q. Did he say anything to you?</p> <p>14 A. He just flinched at me like he was 15 about to punch me.</p> <p>16 Q. Show us what he did, on the video 17 -- I mean for the video.</p> <p>18 A. He went like this (indicating). 19 He was walking towards me in an aggressive -- 20 and went like this. Balled his fist up.</p> <p>21 Q. What did you do?</p> <p>22 A. I reacted, and I just threw a jab.</p> <p>23 Q. What happened to him next?</p> <p>24 A. I think it was his friend that 25 attacked me from behind, if I'm not mistaken.</p>
<p>162</p> <p>1 A. He had to be like 5-11.</p> <p>2 Q. Heavy set?</p> <p>3 A. Yeah. Maybe like 260 pounds.</p> <p>4 Q. Do you remember if he was wearing 5 anything that you remember?</p> <p>6 A. He had a jersey on.</p> <p>7 Q. Do you remember what it said?</p> <p>8 A. No. I just remember it had to be 9 a Detroit Pistons home jersey.</p> <p>10 Q. Were you walking or running when 11 this occurred?</p> <p>12 A. I was walking.</p> <p>13 Q. Were you talking to anybody?</p> <p>14 A. Nobody.</p> <p>15 Q. The crowd still noisy and loud?</p> <p>16 A. I can't recall. Most likely, yes.</p> <p>17 Q. As this gentleman came towards you 18 -- by the way, we believe his name to be Mr. 19 Shackelford. Have you ever learned that name?</p> <p>20 A. Shackelford who?</p> <p>21 Q. The guy coming towards you. Alvin 22 Shackelford. What's his first name?</p> <p>23 MR. THOMPSON: Not Shackelford.</p> <p>24 Q. (By Mr. Charfoos) The guy coming 25 towards you. The big guy. Do you know his</p>	<p>164</p> <p>1 Q. Did you ever see him?</p> <p>2 A. No. I see on the videotape. But 3 I felt it.</p> <p>4 Q. You never saw him?</p> <p>5 A. No.</p> <p>6 Q. Do you know how big or tall or 7 short he was?</p> <p>8 A. When I see him on the tape, I 9 just see --</p> <p>10 Q. No. Not on the tape.</p> <p>11 A. No. He had some strength, though. 12 He grabbed me pretty strong.</p> <p>13 Q. Where?</p> <p>14 A. Around my back, waist.</p> <p>15 Q. Was this after you had had some 16 kind of contact with Mr. Shackelford?</p> <p>17 A. It was at the same time. They 18 was attacking me together.</p> <p>19 Q. How did you get rid of the other 20 guy?</p> <p>21 A. I have not a clue.</p> <p>22 Q. You don't know if you pushed him 23 away or did what?</p> <p>24 A. I can't even recall. I don't know 25 how I got away. I just somehow got out.</p>



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<p style="text-align: center;">165</p> <p>1 Q. Do you remember having physically 2 hit either of these two men?</p> <p>3 A. No. I remember trying to protect 4 myself, but none of my punches connected.</p> <p>5 Q. So you did not physically hit 6 either one of them?</p> <p>7 A. If you recall brushing across the 8 elbow or forearm a hit, then yes. But if 9 you don't call it a hit. It was no, like, 10 face. I didn't hit anybody in the face or 11 anything like that.</p> <p>12 Q. Did you see what happened to the 13 bigger guy?</p> <p>14 A. They both big. They was both, 15 like, the same size.</p> <p>16 Q. Did you see what the first one did 17 that you saw, then?</p> <p>18 A. On the tape, you know, I seen --</p> <p>19 Q. No, not on tape.</p> <p>20 MR. RUBIN: He's asking what you 21 recall.</p> <p>22 THE WITNESS: No. I didn't see.</p> <p>23 Q. (By Mr. Charfoos) All right.</p> <p>24 A. I was just still -- after I got 25 out that situation, I was looking for more</p>	<p style="text-align: center;">167</p> <p>1 this record and make sure that there's not 2 something you know that we don't know.</p> <p>3 MR. RUBIN: Mr. Charfoos, would it 4 be a fair question to ask him -- is that you 5 didn't see with your own eyes the events that 6 happened with Mr. Johnson or Mr. --</p> <p>7 THE WITNESS: I don't remember if 8 I seen them or not.</p> <p>9 Q. (By Mr. Charfoos) Today, you 10 can't tell us anything about it?</p> <p>11 A. Yeah. I can't remember if I seen 12 it or, you know --</p> <p>13 Q. Or saw it on the tape?</p> <p>14 A. Yeah.</p> <p>15 Q. When this first guy who came to 16 you when you made the motions when you just 17 stood up, how far were you from the end of 18 the court; do you know, feet wise?</p> <p>19 A. I don't know.</p> <p>20 Q. More than 10 feet, more than 15 21 feet?</p> <p>22 A. Probably free throw line extended, 23 you know, three point line extended. I was 24 probably at the top of the three point line. 25 Probably 10 feet, 12 feet, maybe 15, 20.</p>
<p style="text-align: center;">166</p> <p>1 people who was coming after me.</p> <p>2 Q. Did you see other people on the 3 floor?</p> <p>4 A. I seen -- it was just people. I 5 don't even -- it was people all around.</p> <p>6 Q. Did you see what Anthony Johnson 7 did after you had the contact with the big 8 guy?</p> <p>9 A. No.</p> <p>10 Q. Did you see what Jermaine O'Neal 11 did after you had the contact with the big 12 guy?</p> <p>13 A. Not on tape; right?</p> <p>14 Q. Not on tape.</p> <p>15 A. No. No.</p> <p>16 Q. So you cannot help us for purposes 17 of these claims to tell us anything about 18 what Anthony Johnson did or Jermaine O'Neal 19 did regarding these two men that had their 20 hands near or on you?</p> <p>21 A. All I know is after I got out of 22 the situation, I was watching out for those 23 people and I was watching out for more 24 people.</p> <p>25 Q. No problem. We just have to make</p>	<p style="text-align: center;">168</p> <p>1 I'm not sure. Something like that.</p> <p>2 Q. You've used the term stepping back. 3 Did you consider when you stepped back that's 4 meaningful in some way, form or manner?</p> <p>5 A. When did I use that term?</p> <p>6 Q. Regarding Mr. Wallace's incident 7 with you.</p> <p>8 A. Repeat the question, please.</p> <p>9 Q. Yeah.</p> <p>10 Q. What do you mean when you say, "I 11 was stepping back"?</p> <p>12 A. Oh, just stepping back, moving away 13 from him.</p> <p>14 Q. Is that a sort of sign that you're 15 not interested in participating in some kind 16 of physical altercation? Is that a sign of 17 saying, "I'm backing off"?</p> <p>18 A. Yeah, definitely.</p> <p>19 Q. And finally, you used the term 20 sucker punch. What's your definition of a 21 sucker punch?</p> <p>22 A. What the guy did to me in the 23 stands.</p> <p>24 Q. Tell me.</p> <p>25 A. He was just grabbing me and just</p>



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<p style="text-align: center;">169</p> <p>1 punched me in my face.</p> <p>2 Q. Why do you call it sucker punch?</p> <p>3 A. I think that's from behind.</p> <p>4 Q. You don't have a chance to do</p> <p>5 anything about it?</p> <p>6 A. No. I think it's only from</p> <p>7 behind. It was, like, from behind, you know.</p> <p>8 Q. If you were to be asked in general</p> <p>9 what a sucker punch is, what do you consider</p> <p>10 a sucker punch?</p> <p>11 A. Being punched from behind.</p> <p>12 Q. Where you don't have a chance to</p> <p>13 do anything?</p> <p>14 A. From behind, you don't know what's</p> <p>15 going on. Just from being punched from</p> <p>16 behind.</p> <p>17 MR. RUBIN: Keep your voice up.</p> <p>18 I know it's getting late in the day.</p> <p>19 THE WITNESS: All right.</p> <p>20 Q. (By Mr. Charfoos) Did the game</p> <p>21 ever continue after these events?</p> <p>22 A. No.</p> <p>23 Q. The game was over?</p> <p>24 A. Yes.</p> <p>25 MR. CHARFOOS: I have no further</p>	<p style="text-align: center;">171</p> <p>1 Q. And did you feel in fear for your</p> <p>2 physical safety?</p> <p>3 A. Definitely.</p> <p>4 Q. And are you aware at that time</p> <p>5 that your teammate Stephen Jackson had come</p> <p>6 into the stands to come to your aid?</p> <p>7 A. No. I was just trying to leave.</p> <p>8 Q. Since that time, have you become</p> <p>9 aware that Stephen Jackson came up into the</p> <p>10 stands to help you?</p> <p>11 A. Yes.</p> <p>12 Q. And given the mood of the crowd --</p> <p>13 which I think you characterized as angry or</p> <p>14 hostile at that point -- do you think it was</p> <p>15 a brave thing for Stephen Jackson to do, to</p> <p>16 come up to your aid?</p> <p>17 A. It was the right thing and brave</p> <p>18 thing; yes.</p> <p>19 Q. And are you grateful that he did</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 MR. WEISS: Thank you.</p> <p>23 EXAMINATION</p> <p>24 BY-MR.SMITH:</p> <p>25 Q. Shawn Smith for Mr. Green, real</p>
<p style="text-align: center;">170</p> <p>1 questions.</p> <p>2 EXAMINATION</p> <p>3 BY-MR.WEISS:</p> <p>4 A. Mr. Artest, my name is Steve</p> <p>5 Weiss. I represent your teammate, Stephen</p> <p>6 Jackson. And I just have a couple of</p> <p>7 questions for you.</p> <p>8 MR. RUBIN: Mr. Weiss, could you</p> <p>9 keep your voice up, because I can't hear you</p> <p>10 over here.</p> <p>11 Q. (By Mr. Weiss) Mr. Artest, I want</p> <p>12 to take you back to the point in time where</p> <p>13 you had gone into the stands, and you were</p> <p>14 in the vicinity of the person that had</p> <p>15 cheered when you were struck by the beer;</p> <p>16 okay?</p> <p>17 And I think after that point in</p> <p>18 time, you testified that you were grabbed by</p> <p>19 someone from behind, and grabbed by several</p> <p>20 other people at the same time.</p> <p>21 A. Yes.</p> <p>22 Q. And at that point in time, you</p> <p>23 felt like you were under attack; is that fair</p> <p>24 to say?</p> <p>25 A. Definitely.</p>	<p style="text-align: center;">172</p> <p>1 quick. You talked earlier regarding the push</p> <p>2 from Ben Wallace as being on the street, it</p> <p>3 would be a crime, and on the court it's not</p> <p>4 a crime.</p> <p>5 Do you recall that?</p> <p>6 A. Yes.</p> <p>7 Q. When he threw the band from his</p> <p>8 wrist and it struck you in the eye, causing</p> <p>9 an injury to your eye, you will agree that</p> <p>10 that's not appropriate conduct for a player</p> <p>11 on the court; correct?</p> <p>12 A. Not appropriate.</p> <p>13 Q. Not even -- on the street that</p> <p>14 would be a crime, and on the court that</p> <p>15 would be a crime?</p> <p>16 MR. RUBIN: I'm going to object.</p> <p>17 If you know if it's a crime, you can answer</p> <p>18 the question.</p> <p>19 Q. (By Mr. Smith) In your personal</p> <p>20 opinion, based on what you said about Ben</p> <p>21 Wallace's push, his actions as it relates to</p> <p>22 the band being thrown at you, using that same</p> <p>23 analogy you used on your own earlier, just</p> <p>24 real quickly, do you feel that that was, A,</p> <p>25 appropriate, or, B, a crime?</p>



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